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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,912	07/23/2003	Leland S. Swanson	TI-24974.2	8884

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EXAMINER
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CLEVELAND, MICHAEL B

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/625,912

Applicant(s)

SWANSON, LELAND S.

Examiner

Michael Cleveland

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/4/2005 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant refers to pp. 10 and 20 of the specification and Fig. 2 to demonstrate support that the second plurality of contacts is orthogonal to the first contacts and parallel to the emissive strips. However, such a feature is not clearly shown nor described on pp. 10 or 20 or in Fig. 2. If it is Applicant's position that the feature is supported at these locations, Applicant must point out the specific language and/or drawing features that *unambiguously* support the feature as claimed.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Himeshima et al. (U.S. Patent 6,469,439, hereafter '439) and Nagayama et al. (U.S. Patent 5,701,055, hereafter '055) in view of each other.

'439 teaches a flat display panel (col. 1, lines 10-14) having an optically transparent substrate (1) having a first plurality of contacts (2) (col. 5, lines 10-13; Figs. 1-3), which may comprise a first metal (col. 5, line 49-col. 6, line 13), a first (hole) transport layer (5) formed outwardly of the first contacts (col. 6, lines 36-46, col. 9, lines 60-61, Fig. 2);, a plurality of emissive material strips (6) on the first transport layer (col. 5, lines 11-27; col. 6, lines 36-46; Figs. 1-2), and an electron-transporting material (7) (col. 11, lines 6-14; col. 6, lines 36-46; Fig. 2), and a second plurality of contacts (8) orthogonal to first plurality of contacts (col. 5, lines 11-26; Figs. 1-2).

'439 teaches that the emissive strips are parallel to the first contacts (2), and does not explicitly teach that the strips may be parallel to the second contacts.

'055 teaches a flat display panel (Example 3) having an optically transparent substrate (2) having a first plurality of contacts (3) (col. 7, lines 8-15), a first (hole) transport layer formed outwardly of the first contacts, a plurality of emissive material layers (red, green, and blue) on the first transport layer, and an electron-transporting material on the emissive layer to form layer (8) (col. 8, lines 41-62), and a second plurality of contacts (9) parallel to the emissive strips and orthogonal over the first plurality of contacts (col. 6, lines 46-52; Figs. 2 and 8). (Note that although '055 does not explicitly teach the layer order, one of ordinary skill in the art of organic EL devices would have understood that the hole-transporting layer is between the anode (hole-injecting electrode) and the emissive layer and that the electron-transporting layer is between the cathode (electron-injecting electrode) and the emissive layer. See, e.g., '439 discussed above.)

'055 does not explicitly teach that the first contacts are made from a first metal.

Therefore, taking the references as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used configurations in which the emissive strips were parallel to the second set of contacts instead of the first set of contacts as the configuration of '439 with a reasonable expectation of success and with the expectation of similar results because '055 demonstrates that such is an operative configuration for organic EL devices. Likewise, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to have formed the anodes of '055 using a first metal with a reasonable expectation of success because '439 teaches that such anodes are operative for driving organic EL devices.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO99/20080 in view of Nagayama '055 for substantially the same reasons given above (Himeshima '439 is used as a translation because it is a division of the national stage application of international application PCT/JP97/03721, which matured into WO99/20080.)

#### ***Response to Arguments***

7. Applicant's arguments filed 5/4/2005 have been fully considered but they are not persuasive.

Applicant's arguments that Himeshima does not teach using a second contact parallel to the emissive strips are unconvincing because such configurations are known as suitable in the art of flat panel display organic EL devices. See newly cited Nagayama '055. The selection of something based on its known suitability for its intended use has been held to support a *prima facie* case of obviousness. *Sinclair & Carroll Co. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945). Applicant's argument that Himeshima teaches away from using a second contact parallel to the emissive strips is unconvincing because Himeshima merely does not explicitly teach the configuration. It does not rise to the level of teaching away because it does not contain a statement that the claimed configuration would be inoperative.

Applicant's arguments that Namiki does not teach the claimed process are noted but are unconvincing because the rejections do not rely on Namiki and because the claim is a product-by-process claim is not limited to the manipulations of the recited steps. See MPEP 2113.

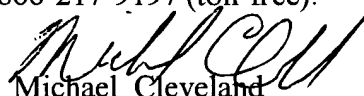
#### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cleveland whose telephone number is (571) 272-1418. The examiner can normally be reached on Monday-Thursday, 7-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Michael Cleveland  
Primary Examiner  
Art Unit 1762

6/30/2005